

STEVEN ERBY
ABT

CASE NO. 1:19-CV-1562-TJM-

NEW YORK STATE ELECTRICAL RATE PAYERS

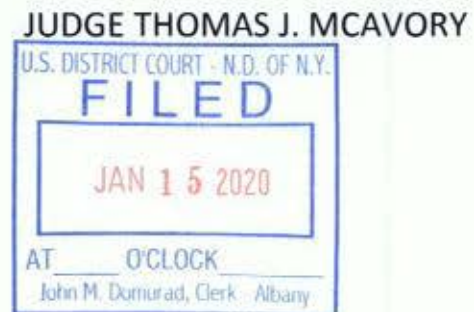
UNITED STATE OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

UNITED STATES NATIONAL SECURITY

Defendants,

KEYBANK NATIONAL ASSOCIATION

Plaintiff,



EMERGENCY MOTION FOR RECONSIDERATION

The Defendant requests that the Court please review the documents and emails submitted on previous submissions to the Court and consider the fact that the PLANTIFF, Leslie Jones. Representative of KeyBank National Association is causing Irreparable harm to the Industry, the Corporation, National Security any and all rate payers across New York State as well as all unsecured creditors of the corporation, as Defendant is personally responsible for such.

The Plaintiffs, have refused to divulge the true amount owed to Key Corp. Or respond as to how the amount originated. Concealment of information by creating "secrete accounts" with proceeds from GMES and New York State funds, thus not allowing the Defendants to achieve a CURE to the debt.

The Plaintiffs, (Leslie Jones) acted in a manner of COLLUSION when dealing with the GMES transaction. Defendant's were excluded from all meetings, telephone discussions, negotiations with GMES and CRO's.

The Defendants were denied the right to FAIR Counsel by Dan Scouler, (Agent of Key Corp) in regard to, the GMES transaction. Thus, producing a Colorable transaction that only benefited the Plaintiff and GMES. Defendants were forced

under THREAT and without proper Legal Representation to sign a contract of adhesion, that was impossible to not be in default.

Plaintiff created False Contingencies by withholding or delaying Lien Releases that would allow the company to prosper in a growing industry.

Plaintiff refused to supply or allow the company to have a third-party AUDIT to show the true value of the organization.

Plaintiff created UNDUE INFLUENCE with buyer (GMES) and CRO's. Thus, granting KEY and other an Unconscionable Advantage.

Plaintiff, refused to work with Defendants to gather true data and decided instead to gather information from Temporary and possibly a disgruntled (Sister in Law, Jen Hoeffner) employees. Former Key Bank Executive, Jerry Anderson, volunteered to review books and supply the data to Leslie Jones, she refused as he had a position at Plug Power as CFO and her feeling was he couldn't produce the data she needed as a part time consultant.

Plaintiff created a BREACH OF TRUST for the defendant with the CRO's and employees by telling them she didn't want to talk with the defendants, and openly described the situation as, "As the Solar Turns".

Plaintiff is openly decimating against the Defendant, Steven Erby. On the day of receivership, Receiver Dan Scouler, cancelled Defendants health care. Mark Fobare alternatively was given time of 45-60 days to secure and or get insurance. Defendant is a disabled Veteran and can seek care at the VA hospital. Defendant has two Children, the oldest is a resident at NY Mount Sinai Hospital as a Pediatric Rehabilitation Physician and is covered. The youngest is at Binghamton University studying to be a Veterinarian and currently has no health care as a result of the Plaintiffs actions.

Note to The Court In Reference to Intentional and Irreparable Harm

As of the date December 20th 2019, the Company and Defendant were working with all banks and forbearance was in place as the company was finally allowed back to building solar. The introduction of Florida Power and Light (NextEra) was seen as a God Send and the defendants had presented a plan to all that allowed immediate Solvency and the dissolution of the Key Bank Debt was

close at hand. (Exception of lease arrears that were covered in the Reorganization Plan.)

Under this type receivership the company stands to lose all the Financiers and thus the very foundation of the organization.

Receiver, Dan Scouler, is openly talking negative about the company, the founders and the solvency of such, yet no AUDIT of the books has been performed. Receiver has reached out to New York State Authorities to revoke the License of Defendant and his ability to work in NYS as well. (See Attached NYSEDA document). Defendants have proof that Dan is communicating that the Defendants will never return to Monolith and Protection of Key and GMES is his only concern.

Defendants had submitted the last reviewed financials done by Teal Becker to show the Court the true debt to Equity Ratio and that the Key Bank Debt represented a small fraction of such.

Defendant asks the Court to please accept the partial lists of assets dated April 2019, to demonstrate a more illustrative depiction of the assets as compared to the Plaintiffs claims.

Defendant also request that the Court accept independent studies and guidance from the UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION. (Attached)

Defendant has requested from Key Bank where the \$2.425M Dollars was applied, this document has yet to be supplied. **However, one day after the Defendants response to the court. \$550,000 dollars was credited to the Defendants Construction Line Account.** The Defendant went to the local branch to see where it came from and the response was, they didn't know. Defendant holds that this credit in conjunction with the requested Lien Releases paid Key Bank Debt to zero. Excluding Leases, Plaintiff's have acted and demonstrated that they do not want this to occur.

Defendant would like to submit customer recommendations and Statements to the Court to discredit the picture the Plaintiff is attempting to color. **Defendant can supply the Court with hundreds maybe close to a thousand letters of support if the Court wishes.** Your Honor is welcome to view the Defendants Testimony to

the UNITED STATES CONGRESS on March 12th to the Science and Technology Committee as well.

In Closing, every day that passes the Plaintiff's are destroying the Defendants ability to keep the customers (RATE PAYERS ACROSS THE STATE OF NEW YORK) benefits in place. It is likely that the contract with NextEra is in danger.

The Defendants respect the Courts Decisions and realize that both parties must be evaluated for Justice to Prevail for all. Kevin Tully, from Teal Becker called Defendant and stated that they would be willing to step in and show the Court the true numbers and valuation to all.

The Defendant, having wanted to enter the field of Law since grade school openly admits, that as of today, he has little or no understanding of the procedures that Your Honor requires. The Defendant humbly requests the patience of Your Honor, as the Plaintiff's intentionally timed this so that the Defendant would have little or no resources to secure appropriate counsel. The Defendant is currently studying for the LSAT and hopes to take the test in late May 2020.

The Law firm that we had is located physically across the street from Key Bank headquarters. They were retained by Key Bank CRO and when we informed him (CRO) that a SEFCU executive had informed us that the president of the Law Firm hired was also on the Key Bank BOD, we were told to stand down, as we did. Once this Firm was informed that Key had filed and Received Receivership, the said they could no longer represent Defendants and couldn't hang up fast enough.

The Defendant, being 60% disabled with severe and permanent nerve damage, while on active duty with the United States Army, has a hard time remembering short term events, and often must record meetings and tasks to ensure that he completes them. The Defendant would like to submit original recordings to back up the claims that have been made. If the Court is willing to listen to them the defendant would just need instruction as to the submittal process works.

By allowing Teal Becker or any other accredited agency to assume the role as receiver the COURT will have true and accurate data to evaluate. In addition, allowing them to finalize the Estoppels for the contract, that Key Bank has already approved and only needs to supply the lien releases this would satisfy all, and allow

New York State residents to continue the enjoyment of renewable less expensive domestic made energy.

Sincerely,

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